Please type a plus sign (+) inside this box

Type or printed name

Signature

Receip PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL **FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/885,750 Filing Date Jun 19, 2001 **First Named Inventor** Hankins, Scott A. Group Art Unit 2151 **Examiner Name** Unassigned Attorney Docket Number 011.0215.01

ENCLOSURES (check all that apply)							
	Fee Transmit	tal Form		Assignment Papers (for an Application)		After Allowance Communication to Group	
	Fee At	ttached		Drawing(s)		Appeal Communication to Board of Appeals and Interferences	
	Amendment /	/ Reply		Licensing-related Papers		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
	After F	inal		Petition		Proprietary Information	
	Affida	vits/declaration(s)		Petition to Convert to a Provisional Application		Status Letter	
	Extension of Time Request			Power of Attorney, Revocation Change of Correspondence Address	\times	Other Enclosure(s) (please identify below):	
	Express Abandonment Request			Terminal Disclaimer	•	est for Corrected Filing Receipt	
	Information Disclosure Statement			De succest for Defend		of Response from USPTO	
Ш				Request for Refund	Copy of Filing Receipt w/Errors Marke		
	Certified Copy of Priority Document(s)		CD, Number of CD(s)		Copy of Application Express Mail label Copy of Application Transmittal Letter Copy of USPS Tracking Record		
						of Application Postcard	
					Postc	• •	
Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53		Rema	ırks	1 0010			
·		SIGNATI	JRE O	F APPLICANT, ATTORNEY, OR	AGEN	T	
Firm							
or Law Offices of Patric		ck J.S. Inouye					
Signature		192					
Date		FEB 2 0 2002					
CEDTIFICATE OF MAILING							
CERTIFICATE OF MAILING							
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date:							

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time your are required to complete this form should be senue the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Date



Petition to Correct Filing Date Docket No. 011.0215.01

RADEMAN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hankins et al.

Application No.: 09/885,750

Filed: June 19, 2001

Title: System And Method For Dynamically

Controlling A Rogue Application Through Incremental Bandwidth

Restrictions

Attorney Docket No.: 011.0215.01

Group Art Unit: 2151

Examiner: Unassigned

PETITION TO CORRECT FILING DATE AND FILING RECEIPT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.10, please correct the filing date and the filing fee received on the Filing Receipt of the above-identified U.S. patent application. This Petition to Correct Filing Date and Filing Receipt (Petition) is the second Petition requesting these corrections, and is filed in response to the Response to Request for Corrected Filing Receipt (Response) mailed from the U.S. Patent and Trademark Office (USPTO) on January 4, 2002.

Filing Date

The correct filing date for the above-identified patent application is **June 19, 2001.** The Filing Receipt mailed from the USPTO on August 13, 2001, incorrectly shows a filing date of June 16, 2001. The following documents are submitted in support of a June 19, 2001 filing date:

- (1) Copy of Express Mail Label No. EL793271872US, with correct date-stamp highlighted;
- (2) Copy of Return Receipt Postcard, showing "Date Mailed: June 19, 2001," highlighted;
- (3) Express Mail Tracking and Delivery record, printed from the official U.S. Postal Service Web Site, showing package acceptance on June 19, 2001, in Seattle, Washington;
- (4) Copy of Utility Patent Application Transmittal with the certificate of mailing certifying

deposit with the U.S. Postal Service on June 19, 2001.

In completing the Date In block of the Express Mail label, the postal worker erroneously wrote "6 16 01." However, the correct filing date of June 19, 2001, can be found on the official USPS date-stamp on the same Express Mail label.

Filing Fee

Under Fil Fee Rec'd, replace "1114" with --1600--. Enclosed is a copy of the official Filing Receipt for the above-identified patent application, which has been marked in red ink to identify the correction needed. Copies of the Patent Application Transmittal Sheet and filing fee payment check, verifying the correct information, are also enclosed.

Accordingly, please correct the filing date and the filing fee as shown on the Filing Receipt, and please issue a Corrected Filing Receipt reflecting these changes.

No petition fee is enclosed, as the requested corrections are due to USPTO error.

Respectfully submitted.

Dated:

FEB 2 0 2002

The Law Offices of Patrick J.S. Inouye 810 Third Avenue, Suite 258

Seattle, WA 98104

Telephone: (206) 381-3900

Facsimile: (206) 381-3999

Pet to Corr Filing Date 2

Patrick J.S. Inouye, Esq., Reg. No. 40,297

PATENT TRADEMARK OFFICE



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE

Washington, D.C. 20231 Www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO/TITLE

09/885,750

06/16/2001

Scott A. Hankins

011.0215.01

CONFIRMATION NO. 4021

OC00000007269345

Law Offices of Patrick J.S. Inouye 810 Third Avenue Suite 258 Seattle, WA 98104 COPY OF PAPERS ORIGINALLY FILED



Date Mailed: 01/04/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

	The correct application number appears on the Filing Receipt. Your postcard included an incorrect application number. Please update your records to reflect the application number on the enclosed Filing Receipt. See MPEP 503.
4	If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found or the Express Mail label. If there is a discrepancy, a request for a corrected Filing Receipt should be submitted along with a copy of the Express Mail label showing the "date in."
	A copy of the Express Mail label was not enclosed with your request. Please resubmit.
	The date on the Express Mail label is the date given on the Filing Receipt.
	The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
	Filing date of a parent application cannot be changed by this request. A request for corrected Filing Receipt must be directed to such parent application.
	Applications submitted under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office.
	The filing date on your return postcard is the same as the date on your Filing Receipt.
	A petition under 37 CFR 1.10 or 1.53 is needed to correct the filing date. The petition should be

directed to the attention of the Office of Petitions.					
Any corrections that may need to be done to your Filing Receipt should be directed to:					
Assistant Commissioner for Patents Office of Initial Patent Examination Customer Service Center Washington, DC 20231					
A copy of this notice MUST be returned with the reply.	***************************************				

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

011.0215.01



APPLICATION NUMBER

09/885,750

United States Patent and Trademark Office

GRP ART UNIT

2151

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231

ATTY.DOCKET.NO

www.uspto.gov IND CLAIMS

DRAWINGS TOT CLAIMS

38

06/19/2001

FILING DATE

06/16/2001

CONFIRMATION NO. 4021

FILING RECEIPT

11

Law Offices of Patrick J.S. Inouye 810 Third Avenue Suite 258 Seattle, WA 98104



OC000000006417580*

Date Mailed: 08/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

FIL FEE REC'D

1114

Applicant(s)

Scott A. Hankins, Cupertino, CA; Brett A. Galloway, Los Altos, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 08/13/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

System and method for dynamically controlling a rogue application through incremental

Preliminary Class

709

Data entry by : PHAM, TRUONG

Team : OIPE

Date: 08/13/2001



LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

COPY OF PAPERS ORIGINALLY FILED

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents Office of Initial Patent Examination **Customer Service Center** Washington, DC 20231

ORIGINALLY FILED						
FOR PICKUP OR TRACKING CALL 1-800-222-1811 WWW.usps.com	WALL WITED STATES POSTAL SERVICE® Delicity (PostArt Use Only) Postage Orde by O					
L Box Patent Application 1415	SEE REVERSE SIDE FOR JUN 19 7000 CO CO STAND SIGNATURE (DATESH ON) INSURANTEE AND LIMITS ON INSURANTEE AND LIMITS ON INSURANTEE COVERAGE USO of signature of sign					





UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No. 011.0215.01

TO THE ASSISTANT COMP

	10 THE A33	ISTANT COM	IMISSIONER :	FOR PATENT	TC.		
Transmitted herew	mela da alta	of Chambian	••	CKIAIEN	15:	\	0,9
System And Metho	out is the patent application of For Dynamically Control	ling A Roque A	on identifier or (X	first named inv	ventor, Scott A	. Hankins and	ر الآر
(V) Original B		A DESCRIPTION OF THE PROPERTY	porteguou i pronap	Incremental Ba	ndwidth Restr	ictions. for a(n)	ied Z
							\ [*]
() Continuing ?	Application (prior application	n not abandoned):				1
ofi	Tior application No.	• • • • • • • • • • • • • • • • • • • •	Continuation-in	-part (CIP)	228		-\
() As	prior application No: tatement claiming priority u	nder 35 USC 8	ed on:		PATENT TRADE	MARK OFFICE	'
Enclosed are:			120 has been added	l to the specifica	ation.		
	cification; 32 Total I	_					
(X) Oat	cification; <u>32</u> Total I h or Declaration:	Pages.	(X) Drawing(s	i); <u>11</u> Tota	I Sheers		
(X)	A Newly Executed Combine (X) Signed	ed Declaration a	-d D				627
SIPE A	(X) Signed.	() Unsigned	nd Power of Attor	iey:			
()	A Copy from a Prior Application in Incorporation by Refere	ntin- e n	\) Partially Sign	ed.		
MR 0 1 2002 1) Incorporation by Refere oath or declaration is su	ence. The entire	disclosure of the	Drior application	a)).		
AR 0 1 2002 29	oath or declaration is su application and is hereb	ipplied, is consid	lered as being part	of the disclosur	e of the accom	copy of the	
. 3 (Signed Statement Dates	<u>. </u>	>	•	or me accom	than Anna	
PADENS(X) Form) Signed Statement Deletinal Drawings Transmittal Leciate Power of Attorney.	etter.	Named in the Prior	Application. (3	37 CFR § 163(d)(2)).	
() Asso	ciate Power of Attorney						
() Frein	IIIII AI A		C) A Check in the	e amount of <u>S1</u>	500 for the Fil	ing Fee.	
(X) A Du (X) Regu	iplicate Copy of this Form for est and Certification Under	or Processing Fe) Information I e Against Denosit	Account	nent and Form	PTO-1449.	
			2)(B)(i)	. 1000шс	•	•	
() Other	recent cientific attisfit cultify attail	us.		•		j	
		CLAIMS	ACETTED			•	
FOR	NO. FILED	NO. EX	AIMS AS FILED				
Total Claims	50	30		RATE		FEE	
Independent Claims	4	1		\$18.00 \$80.00		\$ 540.0	
Assignment Record	t Claims (if applicable)					\$ 80.0	
Basic Filing Fee	mg ree					\$270.0	
						\$0.0 \$710.0	
				Total Filin	g Fee	\$1,600.0	
Charge S	to Deposit Account	501144					<u>- 1</u>
pendency of this app	plication, please charge any	fees required or	pursuan	to 37 CFR § 1.	25. At any tin	ne during the	
Decree CH	•	are required of	eredit any overpay	ment to this De	posit Account.	_	
Respectfully submit	ted,	ſ	I hereby certify the Service "Express	at this is heing	donociani		
Ву:	By Wall			MAN PUNI UTTO	'A IA A Ad		
Patrick J.S. Inouye, Esq., Attorney of Record			Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:				
Reg. No.40297	-3 -3 Add services of 16666	ora					
		ļ	A:	sistant Commis	sioner for Pate	ints	-
Date: June 19, 2001 Correspondence Address:			₩.	x Patent Applic	ation		
			Washington D.C. 20231				
			By:	*			.
Law Offices of	Patrick J.S. Inouye		T 131	11			
810 Third Aver	nue Suite 258		Typed Name: Patrick J.S. Inquye				
Seattle, WA 98	3104	L	Express Mail Label No.: EL793271872US				
Phone: (206)		i	Pr MIGHT LADE	11 NO.: EL7932	/1872US		
Fax: (206) 381-3999			Date of Denocial Time to good				

Date of Deposit June 19, 2001





Track & Confirm

Enter number from shipping re

Home | Sign In | Find ZIP Codes | Calculate Postage | Change Address | Locate Post Offices | Track/(

Shipping Solutions Track & Confirm

WAR I TORREST

Introduction
Ship
Rates
Supplies
Web Tools

Shipment History

You entered EL793271872US

Your item was delivered at 11:05 am on June 21 in WASHINGTON DC 20231 to G Bethea.

Here is what happened earlier:

Keyword/Search

keyword

search

- Track & Confirm

Delivery Confirmation™

Signature Confirmation™

ARRIVAL AT UNIT, June 21, 9:20 am, 20096

ACCEPTANCE, June 19, 8:45 pm, SEATTLE WA
98158

Request Delivery Record>

POSTAL INSPECTORS
Preserving the Trust

site map | contact us | FAQs | search | keywords

Copyright © 1999-2001 USPS. all rights reserved. Terms of Use Privacy Commitment



U.S. Patent Application entitled: "System And Method For Dynamically Controlling A Rogue
ApplicationThrough Incremental Bandwidth Restrictions" **Hankins**

 P^{t} and stamp and confirm receipt in the U.S. Patent & Trademark Office of the following:

0000000000000 Application Transmittal + copy
Express Mail Certificate No. EL793271872US

Filing Fee Amount: Check for \$ 1600

Specification and Abstract: Authorization to charge or credit Deposit Account No. 501144
Power of Attorney/Declaration of Inventor(s)
Request and Certification 14hder 35 USC 122(b)(2)(B)(i)

Clains: Drawings: 0 pages

Other: Postcard Formal Drawings Transmittal Letter 11_ pages

NEED TO THE PROPERTY OF THE PARTY OF THE PAR

Attorney: Patrick J.S. Inouye Reg. No. 40,297

Date Mailed: June 19, 2001 Attorney Docket No.: 011.0215.01

> 26 pages (excluding claims) 8795t PTO

PTO